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June 23, 2014

**VIA ECF**

Hon. Arthur D. Spatt  
U.S. District Court  
Eastern District of New York  
Alfonse M. D'Amato Courthouse  
100 Federal Plaza  
Central Islip, NY 11722

Re: Jose Henriquez, et al. v. Kelco Landscaping, et al.  
Case No.: 12-cv-6233

Dear Judge Spatt:

As of today, we are substituted counsel for Defendants in the above matter. With the consent of Plaintiff's counsel, I write to request that this proceeding be placed on standstill until August 29, 2014 to allow counsel to explore settlement, by mediation or otherwise.

Prior to substituting as counsel for Defendants, I discussed the terms of this letter with counsel for the Plaintiffs, Peter Romero of Frank & Associates P.C. This letter represents the agreed outcome of those discussions.

This is a putative collective action under the FLSA and a putative class action under the New York Labor Law. The Complaint was filed on December 19, 2012 by two individuals. Consents to opt-in have been filed by 17 putative collective members (all between May 5, 2014 and June 6, 2014). On May 20, 2014, with the Court's consent, Plaintiff's filed an amended complaint. Predecessor counsel for Defendants answered on June 3.

On May 5, 2014, Plaintiffs filed a motion for conditional collective certification. Predecessor counsel responded on the motion on June 2, 2014 and Plaintiffs' reply is now due June 23, 2014.

In connection with the substitution of the undersigned, Mr. Romero and I agreed that it would be in the best interests of all parties to seriously explore settlement promptly. To that end, counsel jointly request this Court that all proceedings be placed on hold to allow for settlement discussions, likely before a privately-selected mediator, which the parties anticipate completing by August 29, 2014. This includes extending the date for the filing of Plaintiffs' reply in connection with the motion for conditional certification. The parties will notify the court of the outcome of settlement negotiations by no later than September 5, 2014.

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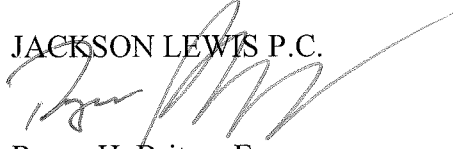
If a settlement is not reached, the parties jointly request: (1) that Plaintiffs' time to reply in support of Plaintiffs' motion for conditional certification be extended to September 15, 2014, (2) that the Court withhold decision on the motion for conditional certification until after the filing of Plaintiffs' reply, and (3) following disposition of the motion, a conference be scheduled to establish a brief additional period for the completion of discovery with regard to individuals who recently opted in to this action and any additional individuals who may opt in if the court grants Plaintiffs' motion for conditional certification. We would anticipate that once the identity of all opt-ins is established, the parties would seek an additional period of discovery of approximately 90 days.

We stress, however, that it is the intent of the parties to engage in good faith negotiations to settle this action without the need for further calendar extensions.

We thank the court for your anticipated cooperation. Counsel are available for a telephone conference with this Court or with Magistrate Brown if such conference should be deemed appropriate.

Very truly yours,

JACKSON LEWIS P.C.

  
Roger H. Briton, Esq.

RHB/eba

cc: Magistrate Gary Brown  
Peter A. Romero, Esq.